

ingredients appeared in small type on the bottom of the box containing the article; and that the warnings required by law to appear in the labeling did not appear on the box but were inconspicuously placed in the circular entitled "How To Eat and Get Thin the O. B. C. Way."

It was alleged to be misbranded in that certain statements in its labeling were false and misleading since they represented and suggested that the article would be effective in the reduction of weight, whereas it was merely a phenolphthalein laxative and would not be so effective; and in that the statement of active ingredients and warnings against use and unsafe dosage or methods or duration of administration were not prominently placed upon the labeling with such conspicuousness, as compared with other words, statements, designs, or devices in the labeling, as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

On November 27, 1943, and January 26, 1944, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1135. Misbranding of Medrex Ointment and Medrex Soap. U. S. v. 634 Dozen Packages and 58 Dozen Packages of Medrex Ointment, and 49 Dozen Cartons of Medrex Soap. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10399. Sample Nos. 44455-F to 44457-F, incl.)

On August 14, 1943, the United States attorney for the Southern District of New York filed a libel against 634 dozen 1-ounce packages and 58 dozen 2-ounce packages of Medrex Ointment, and 49 dozen cartons containing 3 bars each of Medrex Soap, at New York, N. Y., alleging that the articles had been shipped on or about April 7, May 12, and June 30, 1942, from Philadelphia, Pa., by the William A. Reed Co.; and charging that they were misbranded.

Examination disclosed that the Medrex Ointment consisted essentially of zinc oxide and petrolatum with small amounts of acetanilid, starch, methyl salicylate, benzoic acid, carbolic acid, and salicylic acid; and that the Medrex Soap was a flesh-colored, perfumed soap containing small amounts of a zinc compound, starch, and salicylic acid.

The articles were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that, when used as directed, they were effective for the relief of itching and irritation accompanying eczema, and for the treatment of pimples, scalp eruptions, blotches, and other skin conditions of an external origin.

On December 9, 1943, Martin A. Levitt, trading as the William A. Reed Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

1136. Misbranding of Ourine. U. S. v. 526 Cartons of Ourine (and 4 other seizure actions against Ourine). Default decree of condemnation and destruction. (F. D. C. Nos. 10178, 11808, 11809, 11859, 11860. Sample Nos. 11250-F, 11254-F, 11259-F, 11590-F, 39537-F, 40312-F, 41433-F, 60709-F.)

Between August 21, 1943, and February 23, 1944, the United States attorneys for the Northern and Southern Districts of California, the Southern District of Texas, and the District of Minnesota filed libels against the following quantities of Ourine: 1,256 bottles at San Francisco, Calif., 37 bottles at Minneapolis, Minn., and 526 cartons and 128 cartons, each containing 1 bottle, at Los Angeles, Calif., and Houston, Tex., respectively; alleging that the article, which had been consigned by the Aurine Co., Inc., had been shipped from Chicago, Ill., within the period from on or about April 6, 1943, to on or about January 26, 1944; and charging that it was misbranded.

Examination disclosed that the article consisted essentially of water, glycerin, boric acid (1.1 percent), carbolic acid (0.18 percent), and traces of alcohol, camphor, clove oil, and extracts of plant drugs.

The article was alleged to be misbranded because of false and misleading statements which appeared in the booklet entitled "The Care of the Ears," and which represented and suggested that the article, when used as directed, would prevent or remedy deafness; that it would effect good hearing by reason of the alleged antiseptic, analgesic, astringent, or anesthetic properties of its ingredients; that it was a safe and appropriate treatment for earaches resulting from bulging or congestion of the tympanic drum; that it would act as a tonic and relieve local catarrhal conditions, pain, soreness, or inflammatory conditions; that it would serve as a protective of the skin and mucous membranes and act as a healing agent; that it would overcome ineffective hearing; that it would give better

hearing; and that it had been successfully used by thousands for the relief of temporary or partial deafness, and constituted an effective means of caring for the ears.

Between September 15, 1943, and June 7, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1137. Misbranding of drug products. U. S. v. 7 Cartons of No. 37 Formula GH-5, 4 Cartons of No. 24 Formula GH-1, 15 Cartons of No. 15 Formula GM-15, 9 Cartons of No. 3 Formula GM-4, and 6 Cartons of No. 20 Formula GH-4. Consent decree of condemnation and destruction. (F. D. C. No. 9076. Sample Nos. 13830-F to 13834-F, incl.)

On January 5, 1943, the United States attorney for the Southern District of California filed a libel against 7 large cartons of No. 37 Formula GH-5, 4 large cartons of No. 24 Formula GH-1, 15 large cartons of No. 15 Formula GM-15, 9 large cartons of No. 3 Formula GM-4, and 6 large cartons of No. 20 Formula GH-4, each carton of which contained 3 smaller cartons, at Los Angeles, Calif., alleging that the articles had been shipped on or about December 6, 15, 21, and 29, 1942, from Salt Lake City, Utah, by the Basic Endocrines Sales Co., Inc. (invoiced by Basic Endocrines Sales Co., Inc., Seattle, Wash.); and charging that they were misbranded. There were also at Los Angeles, in the possession of the consignee, a number of books entitled "Theory and Use of Basic Endocrines," booklets entitled "Reference Guide," and leaflets entitled "Basic Endocrines Vol. 1, No. 1," "Basic Endocrines Vol. 1, No. 4," and "Basic Endocrines Vol. 1, No. 6." This printed matter had been received in interstate commerce by the consignee from Seattle, Wash.

Analysis of the No. 37 Formula GH-5 showed that it consisted essentially of capsules containing proteinacious matter, such as dried glandular materials, plant materials, and 0.88 grain per capsule of dicalcium phosphate. It was alleged to be misbranded because of false and misleading statements which appeared in the aforesaid book and booklet, and which represented and suggested that the article would be efficacious in the cure, mitigation, or treatment of functional glycosuria, ketosis, carbohydrate intolerance, pancreatic and duodenal insufficiency, gastro-duodenal ulceration and inflammations, and physiological hyperglycemia; that it was supportive in diabetes mellitus; and that it would assist in alkalinization, increase the blood and tissue calcium, promote healing, and aid in the relief of pain and nervousness. It was alleged to be misbranded further in that the statement on its containers, "No. 37 Formula GH-5," was a false and misleading device, meaning to the purchaser that the article was efficacious for the foregoing conditions referred to in the portions of the book and booklet relating to the article when, in fact, it was not so efficacious. It was alleged to be misbranded further in that the statement on the label, "Each Capsule Contains Pancreas 3 gr., Duodenum 2 gr., Parathyroid 1/10 gr.," was misleading in the absence of a revelation of the material fact that pancreas, duodenum, and parathyroid in the amounts supplied when the article was taken in accordance with the directions on the label, 3 to 6 daily, would not produce any significant therapeutic or physiologic effect.

Analysis of the No. 24 Formula GH-1 showed that it consisted essentially of capsules containing proteinacious matter, such as dried glandular materials, plant materials, and material derived from bile. It was alleged to be misbranded because of false and misleading statements which appeared in the book and booklet and in the leaflet, "Basic Endocrines Vol. 1, No. 6," and which represented and suggested that the article would be efficacious in the cure, mitigation, or treatment of such conditions as hypofunction of the liver, cirrhosis, lack of liver detoxication, duodenitis, constant gas, pseudo-angina, intestinal putrefaction, liver spots, liver and spleen deficiencies, and cardiac irregularities. It was alleged to be misbranded further in that the statement on its containers, "No. 24 Formula GH-1," was a false and misleading device, meaning to the purchaser that the article was efficacious for the foregoing conditions referred to in the portions of the book, booklet, and leaflet relating to the article when, in fact, it was not so efficacious. It was alleged to be misbranded further in that the statement, "Each Capsule Contains: * * * Liver 3 1/2 gr., Spleen 1 gr.," was misleading in the absence of a revelation of the material fact that liver and spleen in the amounts supplied when the article was taken in accordance with the directions on the label, 3 to 6 daily, would not produce any significant therapeutic or physiologic effect.

Analysis of the No. 15 Formula GM-15 showed that it consisted essentially of capsules containing proteinacious matter, such as dried glandular material,